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character of the people. If one may judge institutions of government by their fruits, the showing made in this book presents a strong case to the effect that the Japanese have chosen the better way.

HENRY JONES FORD.

*Neutral Rights and Obligations in the Anglo-Boer War.* By ROBERT GRANVILLE CAMPBELL. (Baltimore: The Johns Hopkins Press. 1908. Pp. 149).

As stated in the preface, this monograph is "the outgrowth of work done in the Political Science Seminary of the Johns Hopkins University and is a portion of a larger study dealing with the causes of the Anglo-Boer war and the questions of international law arising during that conflict."

Mr. Campbell has had several predecessors in this field. The best known of these is Frantz Despagne whose *La guerre sud-africaine au point de vue du droit international* was published in the *Revue générale de droit international public* for 1900 and republished in 1902. This monograph of 400 pages was based largely on reports in pro-Boer French newspapers and dealt mainly with the relations between the belligerents. The same may in general be said of an interesting essay by A. Desjardins which appeared in the *Revue des Deux Mondes* for March, 1900.

Of quite a different character was the small volume of 127 pages entitled *International Law in South Africa*, by T. Baty, which appeared in 1900. Although very limited in its choice of topics and (as the reviewer thinks) mistaken in some of its premises and conclusions, Mr. Baty's work contains some very incisive reasoning and is a real contribution to our science.

Of these three publicists, Mr. Baty is the only one whose views are cited and discussed by our author, although hardly to the extent that the importance of the work seems to deserve. The first two chapters of Mr. Campbell's monograph deal with the neutrality of the United States and European powers. Attention is called to the fact that the United States was the only power which acted on the recommendation of the Hague conference of 1899 and tendered its good offices during the war to secure, if possible, the cessation of hostilities; but the author fails to note that this appears to be the first example in our history of such an offer under similar circumstances, i. e., in a case in which American interests were not directly involved.

The only serious charge against the United States for violation of

neutrality was that of permitting the port of New Orleans to be used as a steady and continuous base for the wholesale supply of horses and mules for the British authorities in the Transvaal. While we are unable to agree with some of the inferences which he seems to have drawn from the neutrality proclamations of Brazil, Japan, Denmark and the Netherlands, Mr. Campbell undoubtedly makes out his case as to the main facts and is wholly warranted in his conclusion (see p. 22) that "warlike supplies were actually transported from at least one of the ports of the United States under such a systematic scheme as to constitute a base of hostile supplies for the British forces of South Africa." For this gross violation of international law and the spirit, if not the letter, of our neutrality laws, President McKinley or Secretary Hay must undoubtedly be held responsible at the bar of history.

The main charges of violation of neutrality against any European state were made against Portugal. Great Britain accused Portugal of permitting, especially during the earlier stages of the war, the port of Lorenzo Marques in Delagoa Bay to be used as a base of supplies and recruits for the Boer armies. In estimating the degree of the guilt of the Portuguese government in this matter, account should be taken of the difficulties of her position; the partiality or "benevolent neutrality" displayed by the Dutch consul at Lorenzo Marques (who had charge of the interests of the Orange Free State as well as those of the Transvaal); the greed or sympathy of Portuguese officials and even of British subjects located in Portuguese South Africa; and finally, the correct attitude assumed by Portugal during the later period of the struggle.

But Portugal stands convicted of even a more serious violation of neutral duties during the war. Under color of treaty obligations, she permitted the passage of British troops through Portuguese territory for the invasion of the Transvaal. Even Mr. Baty (see chapter three of his *International Law in South Africa*), who argues in favor of the right of passage in case of a real servitude or right *in rem*, admitted (p. 77) that the British government had placed "a somewhat strained interpretation on a treaty which, even then did not give them, in anything like clear terms, an absolute servitude of the kind contended for." Mr. Campbell (p. 75) shows that "the conclusion reached by Mr. Baty is far more favorable to England than the circumstances of the case warrant."

Chapter three contains a full and clear statement of the famous controversy growing out of the British detention of German mail steamers bound for Delagoa Bay and the facts relating thereto. The discussion

of the legal points involved must, however, be pronounced somewhat unsatisfactory. The author seems to have ignored or overlooked two of the most valuable recent contributions to the much controverted doctrine of continuous voyage, viz: Mr. Baty's incisive criticism of the doctrine and the exhaustive and (to the reviewer) convincing argument in its favor by Judge Elliott which appeared in the *American Journal of International Law* for January, 1907.

The last chapter of the volume before us (chapter four on Trading with the Enemy) contains the facts and gist of the controversy between Great Britain and the United States relating to the detention and seizure of foodstuffs found on board British vessels plying between New York and Delagoa Bay. Such goods, consigned by American citizens to reputable merchants in South Africa, were in a number of cases, seized and detained on mere suspicion of trading with the enemy. The diplomacy of Secretary Hay was successful in inducing the British government to settle with our claimants without the hardships and inconveniences involved in proceedings before a prize court. The English government, however, did not admit that it was in any way liable to the owners of the flour and other goods, since their detention was due entirely to the circumstance that the ships were not able to complete their voyages, and the fact that they were not able to complete their voyages was due to the circumstance that such voyages were illegal by the law of the flag under which they were sailing" (p. 143).

Chapter four may be regarded as a real contribution to our knowledge of international law. Of especial interest is the attempt made by Lord Salisbury to extend the doctrine of continuous voyage to trading with the enemy. He said: "An ultimate destination to citizens of the Transvaal even of goods consigned to British ports on the way thither, might, if viewed as one continuous voyage, be held to constitute in a British vessel such a trading with the enemy as to bring the vessel within the provisions of the municipal law" (pp. 132 and 148).

The work as a whole is executed carefully and conscientiously, and is based upon the best sources and authorities. On p. 98 the word *define* should evidently be read *denied*. Both Mr. Campbell and the Department of Political Science at Johns Hopkins are to be congratulated upon the production of such a meritorious work. If international law is to be based upon our knowledge of actual international practice, it is obvious that such monographs have great value.

A. S. HERSHEY.